UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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| In re VEECO INSTRUMENTS, INC. | : | Case No.: 7:05-md-01695 (CM) |
| SECURITIES LITIGATION | : | |
| | X | |
| *************************************** | X | |
| THIS DOCUMENT RELATES TO | : | |
| ALL ACTIONS | : | |
| | v | |

MEMORANDUM OF LAW IN SUPPORT OF **LEAD PLAINTIFF'S FIRST MOTION IN LIMINE**

FILED UNDER SEAL PURSUANT TO CONFIDENTIALITY **ORDER DATED MAY 16, 2006**

BERGER & MONTAGUE, P.C.

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